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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,647	09/24/2001	Jean-Jacques Claisse	CLAISSE-2	6513

7590 06/06/2005

BROWDY AND NEIMARK, P.L.L.C.
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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT PAPER NUMBER

1772

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/960,647	Applicant(s) CLAISSE ET AL.	
	Examiner Patricia L. Nordmeyer	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30,31,33,34,36,37,39,40,42-45,47 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30,31,33,34,36,37,39,40,42-45,47 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Withdrawn Rejections

1. The 35 U.S.C. 102(b) rejection of claims 28, 31, 42, 44, 47 and 48 as anticipated by Bruggink in the paper dated September 22, 2004 is withdrawn due to Applicant's arguments and amendments in the paper dated March 22, 2005.
2. The 35 U.S.C. 103 rejection of claims 30, 32 – 41, 43 and 45 over Bruggink in view of Giles et al. in the paper dated September 22, 2004 is withdrawn due to Applicant's arguments and amendments in the paper dated March 22, 2005.

New Rejections

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 30, 31, 33, 34, 36, 37, 39, 40, 42 - 45, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deimen et al. (USPN 5,971,509) in view of Giles et al. (USPN 5,207,037).

Deimen et al. disclose a plastics material section as an electrical wiring trunk (Column 2,

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lines 14 – 16) made of a thermoplastics material (Column 8, lines 65 – 68) having a U-shaped cross section that comprises a wall with two longitudinal edges and two flanges extending transversely to said wall where each are joined to a respective longitudinal edge (Column 10, lines 1 – 5). The section has a longitudinal of mechanically weakened areas forming holes delimited by a contour of closed periphery formed by through openings (Column 9, lines 35 – 40; Figure 2, #120) along with a cover and a base portion (Figure 14). The weakened are has an oblong section, rectangular, (Figure 2, #120). However, Deimen et al. fail to disclose at least some of the hole precursors are adapted to receive a fixation screw, the hole precursor being a blind hole whose bottom is constituted by a continuous web and a through-hole surrounded by a continuous annular web, a closed contour formed by a succession of blind openings or a groove along the periphery of the hole.

Giles et al. teach a raceway to hold electrical and computer wiring at the bottom of a panel made comprising a cover and a base portion made from plastic (Figure VI, #70 and Column 5, lines 33 – 55), wherein the raceway contains perforated, through openings on the periphery of the hole, knockouts flanges for bolts (Column 2, lines 33 – 43) for the purpose of arranging the panels to be level on the surface of the floor while being able to hide the wiring for both electrical and computer purposes.

Therefore, one of ordinary skill in the art would have recognized that perforated openings are well known in the art to use in electrical raceway systems in order to attach different elements securely into the raceway structure as shown by Giles et al.

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It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided an electrical wiring trunking made with a cover and base with hole precursors holding fixation screws in Deimen et al. in order to arrange the panels to be level on the surface of the floor while being able to hide the wiring for both electrical and computer purposes as taught by Giles et al.

Regarding the limitations of claims 30, 33, 36, 39, 44 and 47, one of ordinary skill in the art would have recognized that the hole precursors having a blind hole whose bottom is constituted by a continuous web, a through-hole surrounded by a continuous annular web, a closed contour formed by a succession of blind openings or a groove along the periphery of the hole and a closed contour formed by a succession of through-openings located along the periphery of the hole of the claimed plastics material section are obvious variations on the type of holes that are used in the field of electrical raceways to attach screws and different electrical components as shown by the use of two different holes in Deimen et al. and Giles et al. Therefore, one of ordinary skill in the art would readily determine the optimum type of hole precursor to use depending on the end desired result in the absence of unexpected results.

Response to Arguments

5. Applicant's arguments with respect to claims 30, 31, 33, 34, 36, 37, 39, 40, 42 - 45, 47 and 48 have been considered but are moot in view of the new ground(s) of rejection. However, since Giles et al. is being used in the newly applied rejections, the arguments will be responded to below.

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In response to Applicant's argument that there is absolutely no disclosure anywhere in the Giles et al. reference of the creation of hole precursors, Giles et al. clearly states that the material of may be cut or perforated to form seats for either electrical outlet or if employed as a baseboard, for nut and bolt levelers (Column 2, lines 34 – 38), which is performing an equivalent function of a fixation screw.

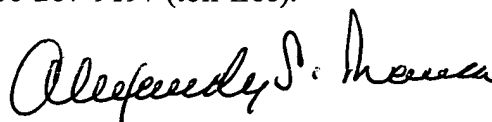
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer
Examiner
Art Unit 1772



ALEXANDER S. THOMAS
PRIMARY EXAMINER